

March 30, 1999

OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON
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REPORT AND RECOMMENDATION TO THE KING COUNTY COUNCIL.

SUBJECT: Department of Transportation File No. **V-2192**
Proposed Ordinance No. 1999-0060

GLADYS PIEROTTI
PETITION FOR ROAD VACATION

Road: Portions of Southeast 184th Street and 172nd Avenue Southeast
located in the Lake Desire area

Petitioner: Gladys Pierotti
17034 Southeast 184th Street
Renton, WA 98058

SUMMARY OF RECOMMENDATIONS:

Department's Preliminary:	Grant petition
Department's Final:	Grant petition
Examiner:	Grant petition

DEPARTMENT'S REPORT:

The Department of Transportation's written report to the King County Hearing Examiner for Item No. V-2192 was received by the Examiner on March 3, 1999.

PUBLIC HEARING:

After reviewing the Department of Transportation's Report and examining available information on file

with the petition, the Examiner conducted a public hearing on the subject as follows:

The hearing on Item No. V-2192 was opened by the Examiner at 9:45 a.m., March 18, 1999, in the 5th Floor Conference Room, Union Bank of California Building, 900 Fourth Avenue, Seattle, WA 98104, and closed at 10:00 a.m. Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

SUMMARY:

"B" Class County rights of way within a proposed plat which has been granted preliminary approval are vacated, provided that the final plat provides alternative access.

FINDINGS, CONCLUSIONS & RECOMMENDATION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. General Information:

Road name and location:	Portions of Southeast 184 th Street and 172 nd Avenue Southeast located in the Lake Desire area
Right of way classification:	"B" Class
Area:	11,653 square feet with 6,387 square feet of replacement right of way provided by the Applicant. (See Exhibit 15)
Compensation:	\$1,066.37, based upon 75% of net right of way following exchange of rights of way with the Petitioner

2. Except as provided below, the Examiner adopts and incorporates herein by this reference the facts set forth in the Department of Transportation's report to the King County Hearing Examiner for the March 18, 1999, public hearing and the statement of facts contained in Proposed Ordinance No. 1999-0060. The said reports will be attached to the copies of this report and recommendation submitted to the King County Council.
3. Maps showing the vicinity of the proposed vacation and the specific area to be vacated are Attachments 1 and 2 to this Report and Recommendation.
4. Vacation of the subject right-of-way would have no adverse effect on the provision of fire and emergency services to the subject property or surrounding area.
5. This right of way petition should have been considered in a consolidated hearing with the proposed plat of Trovitsky Park, File No. L94P0017. For uncertain but now irrelevant reasons, it was not. The final approval for Trovitsky Park has not been granted. In fact, an appeal by a neighboring property owner (of an adjacent subdivision development) continues pending, awaiting final resolution of certain drainage issues and settlement discussions among the parties. Consequently, the petition for right of way vacation may be considered here.

Because final plat approval has not been granted to the proposed plat of Trovitsky Park, the now-petitioned right of way vacation may be granted without complication. Enforcement of the replacement provision will occur through the final plat recording process (not this vacation process). The replacement right of way is already required pursuant to final plat engineering plan review.

6. As noted in Exhibit Nos. 15 and 22, the Petitioner requests 11,653 square feet, valued at \$3,146.31, but will provide 6,387 square feet of right of way valued at \$1,724.49. As "B" Class rights of way, they are valued for vacation purposes at 75% of assessed value. Thus, the Petitioner asks for \$2,359.73 of County right of way while providing \$1,293.37 of previously privately owned property. The replacement area provided by the Petitioner is necessary in order to assure property access and neighborhood circulation as good as or better than the vacated right of way would have, subject to improvement consistent with King County Road Standards (KCRS).

CONCLUSIONS:

1. The road subject to this petition is useless as part of the King County road system, and the public will be benefited by its vacation.
2. The Notice of Hearing on the report of the Department of Transportation was given as required by law, and a hearing on the report was conducted by the King County Hearing Examiner on behalf of the King County Council.
3. The compensation required by law to be paid as a condition precedent to the vacation of this road has been deposited with King County, and the easements, if any, necessary for the construction, repair and maintenance of public utilities and services have been provided in form satisfactory to the affected public utilities.

RECOMMENDATION:

APPROVE proposed Ordinance No. 1999-0060 to vacate the subject road, as petitioned.

RECOMMENDED this 30th day of March, 1999.

R. S. Titus, Deputy
King County Hearing Examiner

TRANSMITTED this 30th day of March, 1999, to the parties and interested persons named on the

attached list.

NOTICE OF RIGHT TO APPEAL
AND ADDITIONAL ACTION REQUIRED

In order to appeal the recommendation of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) **on or before April 13, 1999**. If a notice of appeal is filed, the original and 6 copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council **on or before April 20, 1999**. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within 14 days calendar days of the date of this report, or if a written appeal statement and argument are not filed within 21 calendar days of the date of this report, the Clerk of the Council shall place a proposed ordinance which implements the Examiner's recommended action on the agenda of the next available Council meeting. At that meeting, the Council may adopt the Examiner's recommendation, may defer action, may refer the matter to a Council committee, or may remand to the Examiner for further hearing or further consideration.

Action of the Council Final. The action of the Council on a recommendation of the Examiner shall be final and conclusive unless within twenty (20) days from the date of the action an aggrieved party or person applies for a writ of certiorari from the Superior Court in and for the County of King, State of Washington, for the purpose of review of the action taken.

MINUTES OF THE MARCH 18, 1999, PUBLIC HEARING ON DEPARTMENT OF
TRANSPORTATION FILE NO. V-2192, PIEROTTI PETITION FOR ROAD VACATION.

R. S. Titus was the Hearing Examiner in this matter. Participating in the hearing were Tommy Burdette, Dennis Gorley, and De-en Lang.

The following exhibits were offered and entered into the hearing record:

- Exhibit No. 1 DOT's report, dated 2/25/99 (attachments 1-16)
- Exhibit No. 2 Petition transmittal letter (received 1/24/99 by DOT)

Exhibit No. 3 Letter from Subdivision Management (1/24/95)
Exhibit No. 4 Petition for vacation of a county road (1/24/95)
Exhibit No. 5 Petition for vacation of a county road (not dated)
Exhibit No. 6 Copy of check #6208 for non-refundable refund
Exhibit No. 7 Vicinity map
Exhibit No. 8 Map depicting vacation area
Exhibit No. 9 Copy of Order of Establishment
Exhibit No.10 Copy of Map of Establishment
Exhibit No.11 Letter from Road Services Division to petitioner (3/3/95)
Exhibit No.12 Letter from petitioner to Road Services Division (3/12/96)
Exhibit No.13 Recommendation letter from DOT to Clerk of Council (6/12/97)
Exhibit No.14 Letter to petitioner from Road Services Division (8/11/97)
Exhibit No.15 Road vacation worksheet w/ map (V-22192.XLS), dated 4/22/97
Exhibit No.16 Copy of check #1117 for \$1066.37, for compensation paid by the petitioner
Exhibit No.17 Letter from King County Executive to Council member Miller (2/3/99)
Exhibit No.18 Proposed ordinance 1999-0060
Exhibit No.19 Notice of hearing
Exhibit No.20 Affidavit of posting
Exhibit No.21 Affidavit of publication
Exhibit No.22 Map of Cambridge at the Parks

RST:daz
Attachments
v-2192 rpt